THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 23402 OF 2006

Dated 5th July 2007

Between:

Ch.Sankar Rao

…Petitioner

and

The Additional Director (Leprosy),
O/o.The Director of Health, A.P. Hyderabad & another

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 23402 OF 2006

O R D E R:

The petitioner is the owner of a building bearing No.2-10-759 (old DIG office), situated at Jyothi Nagar, Karimnagar. The respondents were in need of premises, for accommodating the District Leprosy Office, at Karimnagar. After some correspondence ensued between the petitioner and respondents, the petitioner agreed to lease his building to the respondents, on a monthly rent of Rs.12,500/-, or the rent that may be fixed by the Executive Engineer of the concerned Department. The premises were occupied. However, the rent for the premises was fixed, at the rate of Rs.6,769/- per month, vide proceedings of the 1st respondent dated 16.3.2006. The petitioner challenged the same.

He contends that the Government had stipulated parameters, for fixation of rents in G.O.Ms.No.35, Finance & Planning (Fin.Wing-FBS-

PWD) Department, dated 27.2.1997, and the rent fixed by the 1st respondent, does not accord with the same.

In the counter affidavit filed on behalf of the respondents, the factum of the premises belonging to the petitioner having been taken on rent is admitted. It is stated that the rent was fixed, in accordance with the guidelines contained in G.O.Ms.No.35 dated 27.2.1997.

Heard the learned counsel for the petitioner and learned Government Pleader for Medical & Health.

The Government issued G.O.Ms.No.35, dated 27.2.1997, framing the guidelines, for fixation of rents for private buildings taken on lease, by the government, for offices. Different rates are stipulated for the buildings situated in places like Municipal Corporations of different cities in the State, several categories of Municipalities and rural areas. The building of the petitioner is in the limits of Municipal Corporation of Karimnagar. It falls into Category-C *viz*., all other Corporations and Special Grade Municipalities, for which the rent is stipulated at Rs.2-75 ps., per sq.foot. This rate however is maximum, and in a given case, it can be less, if the Department of Roads & Buildings certifies it to be otherwise.

Admittedly, the rent granted for the building of the petitioner does not accord with this. In case, the respondents wanted to fix the rent, less than the one, indicated in the G.O., an exercise of evaluation by the Department of Roads & Buildings, was necessary. The record does not disclose that such an exercise was undertaken.

Hence, the writ petition is allowed, and the respondents are directed to fix the rent for the building of the petitioner, at the rate stipulated in G.O.Ms.No.35, within a period of six weeks, from the date

of receipt of a copy of this order. In case, they intend to fix any lesser amount, it shall be on the basis of the evaluation by the Roads & Buildings Department.

Learned counsel for the petitioner submits that the petitioner has not been paid any rent so far. The respondents shall release the rent for the building up to July 2007, tentatively, at the rate of Rs.7,000/- (seven thousand) per month. There shall be no order as to costs.

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5th July 2007

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